

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), (e) and (f)**  
**for**  
**Thursday, December 17, 2015**  
**9:30 A.M.**  
**Sacramento, California**  
**&**  
**West Covina, California**

**TO: Members of the California Occupational Safety and Health Appeals Board**

**FROM: J. Jeffrey Mojcher, Chief Counsel**

**DATE: December 4, 2015**

**RE: Closed Session of the Board to be held on December 17, 2015**

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), (e) and (f) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session. Any matter not completed at this meeting may be continued to subsequent meetings. If the closed session agenda is not completed on the scheduled day, the closed session will continue from day to day until completion and adjournment.

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**DECISIONS OF ADMINISTRATIVE LAW JUDGES:**

*(Written decision issued by an Administrative Law Judge. The decision summarizes the evidence received from the Division of Occupational Safety & Health and the Employer, makes findings of fact for all issues involved in the appeal and gives reasons and grounds for the decision. The Board Members review the decision and decide if they will reconsider the ALJ decision on their own motion.)*

1. JUSTIN WALLWAY, DBA JDW ENTERPRISES, INC. AND WENDI SUE LELKE-WALLWAY, 14-R1D4-2233 THROUGH 2244
2. ROSENDIN ELECTRIC INC., 13-R3D2-2401

**DECISIONS AFTER REMAND:**

1. CABRILLO ECONOMIC DEVELOPMENT CORPORATION, 11-R4D3-3185 AND 3186
2. ONESTOP INTERNET INC., 11-R4D2-2636 and 2637

**PETITIONS FOR RECONSIDERATION:**

1. CALSTRIP STEEL CORPORATION, 12-R3D6-1998 & 1999
2. PROGRESS RAIL SERVICES CORP., 14-R4D7-1372 & 1373

**DENIAL OF PETITIONS FOR RECONSIDERATION (DRAFT):**

1. STONEWARE ENTERPRISES, INC., 13-R3D1-3514

**ORDERS DISMISSING APPEAL:**

1. BELCHING BEAVER BREWERY, 15-R3D2-2413 THROUGH 2414
2. CLIFFORD SAENZ DBA CLIFFORD'S ROOFING COMPANY, 15-R4D1-1791
3. GLEN RAGSDALE UNDERGROUND ASSOCIATES, INC., 14-R5D1-3971 AND 3972
4. GLOBAL METALS CORPORATION, 15-R3D2-2571

**MATTERS INVOLVING LATE APPEALS:**

*(These are matters such as orders dismissing appeal, orders granting leave to file late appeal and orders denying leave to file late appeal)*

**ORDER DENYING LATE APPEAL**

1. JESUS RAFAEL LOPEZ DBA S AND J CUTTING, 15-R6D5-9205

**ORDER GRANTING LATE APPEAL**

**AMENDED ORDERS:**

1. PROGRESSIVE TECHNOLOGY, INC., 15-R2D1-0724 AND 0725

**MATTERS HELD OVER FROM PREVIOUS MEETINGS:**

*(If the Board is unable to conclude its deliberations and/or if any matter(s) is (are) put over from a previous meeting, they will be further discussed.)*

**MATTERS PENDING RECONSIDERATION:**

*(If the Appeals Board orders reconsideration of an Order or Decision, it reviews the record and then affirms, rescinds, alters or amends the Order or Decision being reconsidered.)*

1. ABM FACILITY SERVICES, INC., DBA ABM BUILDING VALUE, 12-R3D6-3496 THROUGH 3498
2. ACTION METAL RECYCLING, INC., R2D2-1125 THROUGH 1126
3. BURTECH PIPELINE, INC., 13-R3D2-0830 AND 0831
4. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
5. CYBERNET ENTERTAINMENT, LLC, 14-R6D1-0364
6. ECHO ALPHA INC. ET AL, 14-R3D1-0802 THROUGH 0804
7. EKEDAL CONCRETE, INC., 13-R3D1-0131 THROUGH 0133
8. EMPLOYER SOLUTIONS STAFFING GROUP II, LLC, 12-R3D6-3207
9. FASTEMPS INC., 12-R3D6-3208
10. HERMAN WEISSKER, INC., 13-R3D1-3279
11. L & S CONSTRUCTION, INC., 10-R3D1-1821 AND 1822
12. McCARTHY BUILDING CO., INC., 11-R4D2-1706 AND 2406
13. McCARTHY BUILDING CO., INC., 12-R1D4-3458
14. MCM CONSTRUCTION, INC., 13-R1D2-3851 THROUGH 3854
15. SIERRA FOREST PRODUCTS, 09-R2D5-3979
16. SHIMMICK CONSTRUCTION CO., INC/OBAYASHI CORP., 11-R3D1-2562 through 2570
17. W.A. RASIC CONSTRUCTION, INC., 13-R3D1-2952

**LEGISLATION:**

**PENDING LITIGATION:**

*(If the Division of Occupational Safety & Health or the Employer disagrees with a decision after reconsideration or a denial of a petition for reconsideration, either one or both parties may apply to the California Superior Court for a writ of mandate. The Appeals Board receives legal advice from its Legal Unit and provides policy direction regarding pending litigation.)*

**SUPERIOR COURT:**

1. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
2. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)
3. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)
4. DUININCK BROS., INC., 34-2012-80001129 (06-2871)
5. C.A. RASMUSSEN, INC., 34-2012-80001241-CU-WM-GDS (08-R4D5-0219 AND 0220)
6. SHIMMICK CONSTRUCTION CO., INC., 34-2012-80001248 (09-R2D3-0399)
7. A TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001258 (05-R2D4-2650 AND 2651)
8. CA DEPT OF FORESTRY, 34-2012-80001263 (10-R2D1-0728)
9. A. TEICHERT & SON, 34-2012-80001265 (05-R2D5-2650 AND 2651)
10. PRESTON PIPELINES, INC., 34-2012-80001277 (09-R6D7-3345)
11. BLUE DIAMOND GROWERS, 34-2012-80001308 (10-R2D1-1280/1281)
12. CLARK PACIFIC PRECAST LLC, et al, 34-2012-80001319 (09-R2D1-0282/0283)
13. A. TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001332 (09-R4D5-0459 & 0460)
14. PRESTON PIPELINES, INC., 34-2013-8001381 (11-2530)
15. DSS COMPANY DBA KNIFE RIVER CONSTRUCTION, 34-2013-80001575 (12-R5D1-337)

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16. HILL CRANE SERVICE, INC., 34-2014-80001730 (12-R4D1-2475)
17. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR,  
34-2014-80001749 (2008-R2D1-3414 THROUGH 3418)
18. SHIMMICK-OBAYASHI, 34-2014-80001750 (08-R3D3-5023 THROUGH 5025)
19. TAD VAN NGUYEN, CPF-14-513482 (13-R1D1-9163)
20. BRUNTON ENTERPRISES DBA PLAS-TAL MFG CO., 34-2014-80001817  
(09-R6D2-2238 ~ 2241)
21. WEST VALLEY CONSTRUCTION, INC., 34-2014-80001832 (12-R2D5-3526)
22. BARNARD IMPREGILO HEALY JV, CPF-14-513697 (14-R5D1-9013)
23. DAVIS DEVELOPMENT CO., 34-2014-80001892 (10-R3D1-3360  
THROUGH 3362)
24. FEDEX GROUND PACKAGING SYSTEM, INC., CIVDS1415696 (13-R3D1-1220)
25. KEY ENERGY SERVICES, INC., S-1500-CV-283958, EB (13-R4D3-2239 ~ 2242)
26. KDTD, INC. DBA KD DEVELOPMENT, INC., 37-2015-00003550-CU-WM-CTL  
(14-R3D2-1935 & 1936)
27. HHS CONSTRUCTION, 34-2015-80002052 (12-R3D2-0492 THROUGH 0497)
28. MARIA DE LOS ANGELES COLUNGA dba MERCED FARM LABOR,  
15CV-00945 (08-R2D1-3093 ~ 3098)
29. STANISLAUS FOOD PRODUCTS CO., 34-2015-80002087 (13-R2D4-0572 ~ 0574)
30. OLDCASTLE PRECAST, INC., 34-2015-80002167 (13-R3D3-0583)
31. SHIMMICK CONSTRUCTION CO., INC./OBAYASHI CORP., 34-2015-80002204  
(12-R3D1-0781)
32. CHARLES PANKOW BUILDERS, LTD., 34-2015-8000221 (13-R4D1-1759)
33. NATIONAL DISTRIBUTION CENTERS, LP, 12-R6D2-0391
34. TRI STATE STAFFING, 12-R6D2-0378
35. CHEVRON U.S.A., N15-2013 (13-R6D3-0655 THROUGH 0662)

**APPELLATE COURT:**

1. XL CONSTRUCTION, C074514, 34-2009-80000300 (08-R1D2-1191 THROUGH 1193)
2. AC TRANSIT, A142799, RG13-687314 (08-R1D4-0135)
3. THYSSENKRUPP ELEVATOR CORPORATION, C077115, 34-2013-80001456 (11-R2D1-2217 ~ 2219)
4. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, C078953, 34-2011-80000965, (10-R6D2-0188 THROUGH 0191)

**ORDERS OF ADMINISTRATIVE LAW JUDGES:**

*(Written order issued by an Administrative Law Judge after a pre-hearing conference in which the Division of Occupational Safety & Health and the Employer agree to settle an appeal without a hearing. The Board Members review the order and decide if they will reconsider or remand the issued order.)*

1. A & B DIE CASTING COMPANY INC., 14-R6D1-3814
2. ACTIVE SUPPLY COMPANY, 15-R6D2-2058 THROUGH 2064
3. AEP INDUSTRIES INC., 15-R4D4-2095 AND 2096
4. ALLIED BARTON SECURITY SERVICES, LLC, 15-R2D4-0103
5. AMERICAN BEEF PACKERS, INC., 15-R4D4-2597
6. AVALON BAY COMMUNITIES, INC., 14-R4D1-2558 THROUGH 2559
7. AZAR BUILDERS, INC. 15-R3D2-2297
8. BAKER COLD STORAGE, INC. DBA LINEAGE LOGISTICS, 15-R4D1-2524
9. BC IRON DESIGNS INC., 15-R6D1-2990
10. B.D.E. PALLETS, INC., 15-R6D5-3158 AND 3159
11. BENDA TOOL & MODEL WORKS INC., 14-R6D1-3830
12. BMC CONSTRUCTION INC., 15-R3D3-1589
13. CANON COATING CO INC. DBA CANON COATING CO, 15-R3D3-2150

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14. CARDENAS MARKETS INC – STORE #04, 15-R3D3-3573
15. CA STATE HOSPITALS METROPOLITAN STATE HOSPITAL,  
15-R4D1-1093 THROUGH 1096
16. CENTRAL PIPE MECHANICAL, 14-R3D2-0508
17. CHA HOLLYWOOD MEDICAL CENTER DBA HOLLYWOOD  
PRESBYTERIAN MEDICAL CENTER, 15-R4D1-2523
18. CHA HOLLYWOOD MEDICAL CENTER DBA HOLLYWOOD  
PRESBYTERIAN MEDICAL CENTER, 14-R4D1-3679 THROUGH 3689
19. CHAMPION CONSTRUCTION, INC., 14-R1D3-2470
20. CITY RECYCLING CENTER INC., 15-R3D3-3657 AND 3658
21. CLEAN N SPARKLE, LLC DBA STADIUM CAR WASH, 15-R6D5-3459
22. CLEVELAND WRECKING COMPANY, 12-R4D6-3796 AND 3797
23. COMPETITION TIRES & WHEELS INC, 15-R3D3-1396
24. COSMETIX WEST, 15-R3D5-2701 AND 2702
25. CROWN EQUIPMENT DBA CROWN LIFT TRUCKS, 15-R1D2-0926
26. DAVID & ERIKA ENTERPRISES INC. DBA SENTRY PLUMBING AND  
FIRE PROTECTION, 15-R2D3-3860
27. DAVID & ERIKA ENTERPRISES INC. DBA SENTRY AND FIRE  
PROTECTION, 15-R2D3-3934
28. DEL SOL HARVESTING, INC., 15-R4D3-2327
29. DEPARTMENT OF WATER AND POWER CITY OF LOS ANGELES,  
15-R4D3-1969
30. DGI MENARD INC., 15-R3D5-2368
31. DRISCOLL STRAWBERRY ASSOCIATES INC, 15-R7D1-4199 THROUGH 4201
32. D/T CARSON ENTERPRISES INC DBA COMPLETE COACH WORKS,  
15-R3D3-3809
33. EBS CONCRETE INC., 15-R3D3-1456 THROUGH 1459

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34. CHRIS EDBERB DBA PACIFIC DRYWALL, 15-R6D7-1731
35. EDELBROCK FOUNDRY LLC, 15-R3D3-3863 THROUGH 3866
36. EG THREADS, 15-R2D1-0101
37. SAMY F. FARID MD, 15-R4D3-1697 THROUGH 1699
38. FOSTER POULTRY FARMS, 15-R2D4-0733
39. FRESH & EASY, LLC DBA FRESH & EASY CAMPUS KITCHEN,  
15-R7D2-3140 AND 3141
40. FURNITURE TECHNOLOGIES INC., 15-R3D3-3772 THROUGH 3774
41. GARDA CL WEST, INC., 15-R4D3-1924
42. GCB ACQUISITION CORP., 15-R3D1-0534
43. GILET CONSTRUCTION, INC., 15-R2D1-1379
44. GOLDEN STATE WATER COMPANY – A SUBSIDIARY OF  
AMERICAN STATES WATER COMPANY, 15-R7D1-2620 THROUGH 2624
45. GOLDEN VALLEY HIGH SCHOOL DBA MERCED UNIFIED HIGH  
SCHOOL DISTRICT, 15-R2D4-0623
46. G V K ENTERPRISES INC. DBA HORIZON SOLAR POWER,  
15-R3D3-0759 THROUGH 0763
47. HAMPTON TEDDER ELECTRIC, 15-R3D5-1262
48. HBUILT, INC, 15-R6D7-1530
49. HEDY HOLMES STAFFING SERVICES DBA HEDY HOLMES, 15-R6D1-1217
50. HONEYVILLE, INC., 15-R4D4-1151
51. NORMAN HUDSON DBA WINDSOR STUCCO CO, 14-R2D1-2616
52. RAUL IBARRA DBA IBARRA LANDSCAPE, 15-R4D3-2326
53. IMPERIAL CFS, INC., 15-R3D5-3380 AND 3381
54. INTSEL STEEL WEST CALIFORNIA LLC, 15-R3D3-0702 AND 0703



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55. JEFFREY S. RICH, O.D. DBA CITY OPTIX, 15-R1D1-2076
56. JENSEN MEAT COMPANY, INC., 15-R7D2-2243
57. LALO'S AUTO REPAIR, INC., 15-R2D4-0728
58. LEE PATTEN CONSTRUCTION INC DBA PATTEN  
COMPANY CONSTRUCTION SERVICES, 14-R4D1-3781 THROUGH 3783
59. LEGACY PARTNERS C D S INC., 14-R1D2-3924
60. LEITER'S ENTERPRISES, INC DBA LEITER'S COMPOUNDING, 15-R1D2-2531
61. LF STAFFING SERVICE INC. DBA LABOR FINDERS, 15-R4D3-3446
62. MARK GOOD CONSTRUCTION, 15-R3D2-2739
63. MASTER ROOFING SYSTEMS, INC., 15-R1D1-2075
64. MCDONALD PACKAGING INC. DBA RIGHTPAQ, 15-R3D1-1959
65. MEDITERRANEAN HEATING & AIR CONDITIONING, INC.,  
15-R4D1-0880 AND 0881
66. MORENO VALLEY USD-VISTA HEIGHTS MIDDLE SCHOOL, 15-R3D3-1460
67. NATIONAL OILWELL VARCO LP DBA TUBOSCOPE, 15-R4D3-1336
68. NIPPON TRENDS FOOD SERVICE INC, 15-R1D2-2165 THROUGH 2168
69. NIPPON TRENDS FOOD SERVICE INC, 15-R1D2-2545
70. NUSHAKE INC, 15-R2D4-0735
71. OPTIMUS GROUP, INC., 15-R6D2-2110
72. ORTIZ BAKERY INC., 14-R4D3-4151
73. PACIFIC AWARDS METALS, INC., 15-R4D4-2482 THROUGH 2484
74. PADEN & BLETSCHER CONSTRUCTION, 15-R2D4-3087
75. PALLET AGENTS, INC., 15-R6D5-3878 AND 3879
76. PAN-PACIFIC PLUMBING CO., INC. DBA PAN-PACIFIC MECHANICAL,  
15-R3D1-3199

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77. PAPE TRUCKS DBA PAPE KENWORTH, 15-R2D4-0041
78. SANTOS PEREZ, 14-R3D1-3906
79. PLANET HOME LIVING INC., 14-R4D3-4070
80. POLYONE, 14-R3D1-4210 AND 4211
81. PRECISION FRAMING SYSTEMS INC., 15-R3D3-3436 THROUGH 3438
82. R&A RESOURCES, INC. DBA MAC-CO METAL BUILDINGS, 15-R2D3-3933
83. RAVA RACHES INC., 14-R1D2-2595
84. RAYMOND-NORTHERN CALIFORNIA, INC., 15-R1D1-2634
85. REAL TIME STAFFING SERVICES DBA SELECT STAFFING, 15-R3D5-2522
86. RECOLOGY GROVER ENVIRONMENTAL PRODUCTS, INC., 15-R2D4-0457
87. REKON PRODUCTIONS, 15-R4D1-2525
88. REPLANET LLC, 15-R1D5-1440
89. RIALTO USD-CARTER HIGH SCHOOL, 15-R3D3-3889 AND 3890
90. RJ'S DEMOLITION & DISPOSAL DBA RJ'S WHOLESALE NURSERY,  
15-R6D5-4128 THROUGH 4131
91. ROYALITE MANUFACTURING, INC., 15-R6D1-3948 THROUGH 3952
92. SANTA CLARA CO. VTA LIGHT RAIL DIV. (WPS), 14-R1D2-4047
93. SCHINDLER ELEVATOR CORPORATION, 14-R4D1-2695
94. SCWWC AND GREEN COMPASS ENVIRONMENTAL SOLUTIONS, INC.,  
15-R7D2-2203 THROUGH 2209
95. SELECT SPECIALIZED STAFFING, LLC, 15-R6D1-1406
96. SELECT STAFFING, 15-R2D5-3807
97. SHOWTIME FLOOR COVERING, 15-R4D3-1797 AND 1798
98. SOLID STATE COMPONENTS CORP DBA UNISEM INTERNATIONAL,  
14-R4D4-3080

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99. SOUTHERN CALIFORNIA GAS COMPANY, 15-R4D3-2587
100. S & R ARCHITECTURAL METALS INC, 15-R6D2-1840 THROUGH 1842
101. STANFORD HOSPITAL, 15-R1D3-3254
102. SUNLIFT INTERNATIONAL INC, 15-R1D3-1550
103. SUNNY LOPE TREE FARM INC., 15-R6D2-3903
104. SUTTER P. DAHLGLEN ENTERPRISES INC. DBA METAL  
FAB, 15-R6D1-1785 AND 1786
105. T3 MOTION INC., 15-R3D1-2874
106. TEMECULA QUALITY PLATING INC., 15-R3D3-3808
107. THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, 15-R1D4-1305  
AND 15-R1D4-2394 AND 2395
108. TURKHAN FOODS INC, 15-R2D4-3090
109. URETHANE FOAM SPECIALISTS INC., 15-R3D3-2151
110. VALLEY SOLAR, INC., 15-R2D1-2511
111. VONS, A SAFEWAY COMPANY DISTRIBUTION CENTER, 15-R7D2-2969
112. WALSH CONSTRUCTION II, LLC, 15-R2D1-3169
113. W.C. GARCIA & ASSOCIATES, INC. DBA SUN OAKS TENNIS &  
FITNESS, 15-R2D3-3691 AND 3692
114. WHOLESALE SHUTTER COMPANY INC., 15-R6D2-2386 THROUGH 2389

**PERSONNEL:**

*(Issues regarding staff.)*

Any matter not completed at this meeting may be continued to subsequent meetings. If the closed session agenda is not completed on the scheduled day, the closed session will continue from day to day until completion and adjournment.